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27 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

28 ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,
Plaintiffs,
v.
RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,
Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL
DEFENDANTS' MOTION TO
ADMIT DTX 152, DTX 153, DTX
154B, DTX 164A, DTX 340, AND DTX
345 WITHOUT REDACTIONS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, “Protective Order”), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin (“Rimini”) respectfully requests that the Court grant leave to file under seal portions of the Motion to Admit DTX 152, DTX 153, DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions and Exhibits A-F to the same. A public, redacted version of Motion to Admit DTX 152, DTX 153, DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions was filed on September 23, 2015. Additionally, on September 23, 1015, the unredacted version of Exhibits A-F were filed under seal.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as “Confidential Information” and as “Highly Confidential Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as “Confidential Information” or “Highly Confidential Information- Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Sealing portions of the Motion to Admit DTX 152, DTX 153, DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions is requested because the document contains information that Oracle has designated as “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the Protective Order. This information includes Oracle customer information that if disclosed would competitively harm Oracle. The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly

1 Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if**
2 **such counsel in good faith believes that such Discovery Material contains such information and**
3 **is subject to protection under Federal Rule of Civil Procedure 26(c).** The designation by any
4 Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential
5 Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the
6 Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶
7 2 (emphasis supplied).

8 A description of the Exhibits to be filed under seal referenced in this Motion to
9 Preclude Certain Damages Evidence is included below:

10 1. Exhibits A-F consist of information compiled by Oracle regarding customer
11 information disclosed during sales negotiations that has been designated “Highly
12 Confidential Information – Attorneys’ Eyes Only” by Oracle.

13 Thus, in identifying the Motion to Admit DTX 152, DTX 153, DTX 154B, DTX
14 164A, DTX 340, AND DTX 345 Without Redactions Exhibits which contain Confidential or Highly
15 Confidential material, Rimini, as the designating party, contends that good cause exists for sealing
16 Exhibits A-F.

17 Rimini has submitted all other portions of the Motion to Admit DTX 152, DTX 153,
18 DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions, for filing in the Court’s
19 public files, which would allow public access to the filings except for the documents Oracle has
20 designated as Highly Confidential. Accordingly, the request to seal is narrowly tailored.

21 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to
22 file portions of the Motion to Admit DTX 152, DTX 153, DTX 154B, DTX 164A, DTX 340, AND
23 DTX 345 Without Redactions and Exhibits A-F to the same under seal.

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1 DATED: September 23, 2015

SHOOK, HARDY & BACON

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3 By: /s/ Robert H. Reckers

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17 *Attorneys for Defendants*

18 *Rimni Street, Inc. and Seth Ravin*

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: /s/ Robert H. Reckers
Robert H. Reckers.

*Attorney for Defendants
Rimini Street, Inc., and Seth Ravin*

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 ORACLE USA, INC., a Colorado corporation;
5 and ORACLE INTERNATIONAL
6 CORPORATION, a California corporation,

7 Plaintiffs,
8 v.

9 RIMINI STREET, INC. , a Nevada corporation;
10 SETH RAVIN, an individual,

11 Defendants.

12 Case No. 2:10-cv-0106-LRH-PAL

13 [PROPOSED] ORDER GRANTING
14 DEFENDANTS' MOTION TO
15 ADMIT DTX 152, DTX 153, DTX
16 154B, DTX 164A, DTX 340, AND DTX
17 345 WITHOUT REDACTIONS

18 [PROPOSED] ORDER

19 Pending before this Court is Defendants Rimini Street, Inc. and Seth Ravin's
20 ("Rimini") Motion for Leave to File Under Seal Portions of the Motion to Admit DTX 152, DTX
21 153, DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions and Exhibits A-F to the
22 same. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit
23 sealing of court documents for, inter alia, the protection of "a trade secret or other confidential
24 research, development, or commercial information." Fed. R. Civ. P. 26(c). Having considered
25 Defendant's Motion to Seal and good cause existing:

26 IT IS HEREBY ORDERED THAT: Defendants' Motion to Seal is GRANTED. The
27 Clerk of the Court shall file under seal portions of Rimini's Motion to Admit DTX 152, DTX 153,
28 DTX 154B, DTX 164A, DTX 340, AND DTX 345 Without Redactions.

29 IT IS SO ORDERED.

30 DATED:

31 By: _____
32 Hon. Larry R. Hicks
33 United States District Judge